

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - FLINT

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 07-CR-20318

vs.

Hon. Paul V. Gadola  
United States District Judge

CHARLES E. ARMSTRONG,

Defendant.

Michael Hluchaniuk  
United States Magistrate Judge

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**ORDER REVOKING BOND**

The defendant initially appeared before the Court on October 24, 2007, based upon an Indictment charging him with Possession with Intent to Distribute Cocaine Base, in violation of 21 U.S.C. § 841; Carrying a Concealed Weapon, in violation of 18 U.S.C. § 924( c ); and Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g). The defendant was temporarily detained. Following a detention hearing on November 1, 2007, the defendant was ordered released on an Unsecured bond with conditions. Among the conditions ordered was for the defendant to refrain from the use or unlawful possession of a narcotic drug or controlled substance unless prescribed by a licensed medical practitioner.

On February 12, 2008, a bond review hearing was held before the undersigned based upon information provided by the Pretrial Officer that the defendant had reverted to the use of illegal substances, and that he had tested positive for the use of cocaine. The defendant's bond was continued pending a further hearing on this matter. On March 7, 2008, a continued bond hearing was held. At that hearing, the Pretrial Officer informed the Court that the defendant again had tested positive for the use of illegal substances. Based upon that information, the defendant's bond was revoked and he was remanded to the custody of the United States Marshal.

A renewed bond hearing was conducted on March 21, 2008, at which time the defendant's bond was reinstated. As a condition of that bond, the defendant was again ordered not to use illegal substances. On April 21, 2008, another bond review hearing was scheduled for the defendant. However, the hearing was adjourned because the Court was informed that the defendant had been hospitalized.

Another bond review hearing was held on this matter on May 13, 2008. At that time the Court was informed that the defendant had again used illegal substances.

The determination as to whether a person has violated the terms and conditions of his bond is outlined in 18 U.S.C. § 3148. If, after a hearing that the person has violated his bond, the Court shall enter an order revoking the defendant's release. The factors to be considered as to whether the person has violated his bond is whether

(1) there is probable cause to believe that a crime has been committed or (2) clear and convincing evidence that another violation has been committed, and there is no condition or combination of conditions of release that will assure that the person will not flee or pose a danger to the safety of any other person or the community, or, the person is unlikely to abide by any condition or combination of conditions of release, the person shall be detained.

Based upon the information presented by the Pretrial Officer, it appears that the defendant has violated the terms of the Order Setting Conditions of Release on numerous occasions by continuing to use illegal substances, as well as testing positive for the use of illegal substances.

**IT IS HEREBY ORDERED** that the defendant's bond is hereby **REVOKED**. The defendant is hereby **REMANDED** to the custody of the United States Marshal.

The parties are hereby informed that any objections to this order must be filed with the district court within ten day after being served with a copy thereof, pursuant to Rule 72(a), Federal Rules of Civil Procedure.

DATED: May 14, 2008

s/ Michael Hluchaniuk  
Michael Hluchaniuk  
United States Magistrate Judge

### **CERTIFICATE OF SERVICE**

I hereby certify that on May 14, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Nancy A. Abraham, AUSA, Kenneth R. Sasse, Esq., and I hereby certify that I have delivered or mailed the paper to the following non-ECF participants: United States Marshal, 600 Church St., Flint, MI, Pretrial Officer, 600 Church St., Flint, MI

s/James P. Peltier

James P. Peltier

Courtroom Deputy Clerk

United States District Court

600 Church St.

Flint, MI 48502

810-341-7850

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